

Expedited Procedure Under 37 C.F.R. §1.116

Application No. 10/796,800

Paper Dated February 1, 2007

In Reply to USPTO Correspondence of November 2, 2006

Attorney Docket No. 0388-043647

REMARKS

Claims 1-10, 12-14 and 16-26 are pending in the application. Claims 4-10, 12-14, 16-19, and 22-24 are allowed. Claim 3 is objected to as being dependent upon a rejected base claim but would be allowed if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 1, 2, 20, 21, 25 and 26 are rejected. To reduce the issues, claims 1-3 and 25 are cancelled without prejudice. Claim 3, which is objected to, is cancelled without prejudice because claim 3, which is dependent on claim 1 through claim 2, is identical to allowed claim 4.

Claim 26 is **only** rejected under 35 U.S.C. §112, second paragraph. The Office Action alleges that “the rear window of the work-vehicle cabin” in line 3 has insufficient antecedent basis. Applicants respectfully traverse the rejection of claim 26 under 35 U.S.C. §112, second paragraph. However, to eliminate this issue, claim 26 is amended to be in independent form having the limitations of claim 1, on which it was dependent, and to recite in the preamble that the work-vehicle cabin has a rear window. Support for the amendment to claim 26 is found, among other places, in the pending claims.

Based on the forgoing, Applicants respectfully request admittance of the amendment to, and consideration of, claim 26; withdrawal of the rejection of claim 26 under 35 U.S.C. §112, second paragraph, and allowance of claim 26.

Claims 20 and 21 are rejected under 35 U.S.C. §102(e) as being clearly anticipated by United States Patent No. 6,780,097 to Shuttleworth et al. (hereinafter referred to as the “Shuttleworth patent”). Applicants respectfully traverse the rejection of Claims 20 and 21 under 35 U.S.C. §102(e) as being clearly anticipated by the Shuttleworth patent and request reconsideration thereof.

The Office Action on pages 4 and 5, in the **Response to Arguments** states that Applicants argue that the Shuttleworth patent moves the conditioned air rearward of the separation wall into the cabin through openings, whereas Applicants’ claim 20 recites that the conditioned air is moved forwardly of the partition wall and into the cabin through a pair of

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forward air-supply openings. The Office Action directs Applicants' attention to Fig. 4 and alleges that the heater and the evaporator have a connecting piece (60) which couples with element (58) to create a partition wall, and that the air that comes into contact with the heater arrangement (26A & 26B) will inherently flow into the cabin space via air-supply openings (38) by way of adjacent hole openings (unnumbered) which receives conditioned flow which is forward of the created partition wall.

Applicants respectfully submit that the reading of the Shuttleworth patent, as stated in the Office Action, is not supported by the disclosure in the Shuttleworth patent. More particularly, the Shuttleworth patent, in column 5, lines 18-39, discloses the flow of conditioned and unconditioned air. Of particular interest is the disclosure on lines 20-22 which states that:

It should be apparent from the drawings that the conditioned air ducts 36 are isolated from the conditioned air ducts 42.

The air ducts 42 include the unnumbered hole openings (see Figs. 2 and 4), and the air ducts 36 include the air supply openings 38 (see Fig. 4). Therefore, the unnumbered hole openings are isolated from the air supply openings 38, and the air which comes into contact with the heater arrangement (26A & 26B) will not inherently flow into the cabin space via air-supply openings (38) by way of adjacent hole openings (unnumbered). Further, for the sake of discussion only, even if we assume that air flows from the unconditioned air duct 42 to the conditioned air duct 36, it would be unconditioned air that would be flowing into the conditioned air duct 36. Still further, for the sake of argument only, even if an opening at the unnumbered location did exist, the air would not flow toward the opening 36 because the blower 28 blows air into the conditioned air duct 36, and therefore, air would flow from the conditioned air duct 36 into the unconditioned air duct 42.

From the forgoing, it is clear that the Shuttleworth patent does not anticipate the subject matter of claims 20 and 21 because, among other things, the Shuttleworth patent moves the conditioned air rearwardly of the separation wall into the cabin through openings,

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whereas Applicants' claim 20 recites that the conditioned air is moved forwardly of the partition wall and into the cabin through a pair of forward air-supply openings.

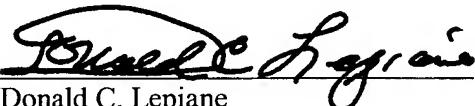
Based on the foregoing, Applicants respectfully request withdrawal of the rejection of claims 20 and 21 under 35 U.S.C. §102(e) as being anticipated by the Shuttleworth patent, and request allowance of claims 20 and 21.

This Amendment is a sincere effort to place this application in condition for allowance. In the event issues remain, the Examiner is invited to call the undersigned before further action is taken on this application.

Respectfully submitted,

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